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China.

ARE TO APPEAL TO
MAINLAND COURT

Juror Bergstrom Fined \$100 for
Being Late by Judge
Humphreys.

The cases of Lau King and Chun Hoy, two Chinese who were ordered sent back to China by Judge Estee some time ago as a result of an investigation which seemed to show that they were admitted to the Islands as a result of fraud on the part of an interpreter, Lin Shin Chow, are to be appealed to the Circuit Court of Appeals at San Francisco.

In the course of his decision on their cases Judge Estee announced that as the evidence of the two Chinese boys that they had been born in these Islands was uncorroborated by any white witness he would not admit them to the Islands. It is upon this point that a writ of error to the Circuit Court of Appeals is to be sued out. Lorin Andrews who defended one of the boys has been retained by a number of Chinese of the city to take the matter to a higher court and he believes that he can prove error.

The cases were of considerable interest as in the progress of their trial, evidence was brought to light that tended to show that Lin Shin Chow, the Chinese interpreter of the Customs Department, had been guilty of accepting bribes. Chow is quite prominent in the Chinese colony and his examination before United States Commissioner Robinson and binding over to await the action of the Grand Jury in the Federal Court at the February term caused a mild sensation in Chinatown.

The papers in the case will be transmitted to the Circuit Court of Appeals very soon and in the meantime the two Chinese boys instead of being forced to go back to China by the next steamer will remain in custody of the United States Marshal at Quarantine Island. The members of the Chinese society who are backing the proposition of taking the case up have agreed to pay the board and lodging of their compatriots at the Island during the delay which must result before the case can be decided at San Francisco.

FOSTER MAKES EXCUSES.

Frank H. Foster, one of the three Kamalo Sugar Company promoters who were accused of grave misdoings by Judge Humphreys, filed a motion yesterday in the Circuit Court for permission to file an answer and to introduce evidence against the amended bill of complaint filed by the plaintiffs in the case some days ago.

The motion is supported by an affidavit wherein he asserts that at the time of the alleged taking of the company's stock he was possessed of valuable options on land and that he could have sold these options for more than he ever received from the Kamalo company. He likewise states that his services as a promoter were very valuable and that he expended a large amount of time and labor in the Kamalo Sugar Company as a promoter for which he received nothing save the stocks and money received from the company. No issue was raised at the trial, he goes on, whereby his title to the stock was put in jeopardy, and he desires his day in court to prove expenditures of money and the value of time and labor expended to the benefit of the company and to prove the market value of the options turned over by him to the company without which it could not have been organized.

He declares likewise that if the stock in question is declared forfeited by the court he still has the right to recover from the company upon quantum meruit for the value of the options and his services. He states that while it might be true that the plaintiffs in the case were unaware of the exact amount made by the promoters, they were aware that the promoters were receiving compensation and were entitled to do so.

HEAVY FINE FOR BERGSTROM.

Hereafter when Honoluluans are summoned to act as jurors in the Circuit Court when Judge Humphreys is on the bench they will do well to camp on the steps of the Judiciary building all night rather than be absent when court convenes in the morning. J. W. Bergstrom is wishing that he had followed some such course as this for yesterday he was assessed the sum of \$100 by Judge Humphreys for failing to be on hand when his name was called.

A special venire was issued on Wednesday to secure jurors for the Downing murder case, and Bergstrom was one of the called. Bergstrom accepted the matter philosophically and promised to be on hand in the morning, but when court convened he was not to be found.

Judge Humphreys issued a bench warrant for his arrest and after about an hour Bergstrom appeared under the protecting wing of a stalwart bailiff.

When asked by Judge Humphreys why he had failed to answer to the summons of the court Bergstrom looked puzzled and said he'd been busy and had forgotten to appear in court until the officer came in on him.

Judge Humphreys delivered a mild homily on the virtues of punctuality and the heinousness of his offense in being late in court. He wound up by ordering Bergstrom to pay a fine of \$100 or go to jail. Bergstrom went back to his seat feeling rather pale and it is

likely that henceforth he will carry an alarm clock in his clothes to remind him of his engagements.

DOWNING TRIAL PROGRESSES.

The case against Charles Downing charged with the murder of a native up Nuuanu valley last March is dragging on very slowly in the Circuit Court before Judge Humphreys. It is likely that the case will last until Saturday at least, for the first witness for the prosecution was still on the stand at adjournment yesterday.

The jury was completed shortly before noon yesterday and G. W. Pahu, an old Hawaiian who was one of those to find the bodies of the murdered men after the affray was over, was placed on the stand. His direct examination lasted until noon, and after luncheon he judge, jury, defendant attorneys and officers of the court all paid a visit to the scene of the murder. This occupied a good share of the balance of the day.

Pahu went on the stand for the rest of the afternoon and at adjournment Mr. Gathcart was still examining him.

FLINT MUST DIG UP.

Captain Harry Flint must dig up the coin for the payment of the attorneys who brought suit against him last July on behalf of his wife for divorce. Yesterday a motion was filed by Magoon and Thompson asking that Flint show cause for not paying the temporary alimony which the court ordered him to pay last July or be adjudged guilty of contempt of court. Shortly after this order was made by Judge Humphreys Flint and his wife made it up and Mrs. Flint went away on the Australia covered with leis and bathed in tears leaving her husband waving loving farewells from the wharf. A few days ago Mrs. Flint returned to Honolulu. She had failed to pay her attorneys before leaving, nor had Captain Harry attended to that duty and now he must dig up or go to jail.

ESTATE OF CHILDREN.

J. Peenahale, guardian of Emelia, Kihelu, Kawekiu, William Maunaloa and Annie Wailani, yesterday filed an inventory of the property of his wards. It shows that the children are tenants in common of lands at Kawaokapuna, Hana, and at Kauhualahala, and at Papahawabawa, about 100 acres altogether.

LEWIS AND TURK GO FREE.

Lewis and Turk, the crimps, will not have to answer in the Circuit Court for their assault upon their fellow craftsman McCarthy. Yesterday morning their case was dismissed, a nolle prosequi being entered at the instance of Deputy Attorney General Cathcart. The "Heavenly Twins" will leave by the Mariposa to-day for the Mainland, shaking the dust of the Islands from their feet for good and all.

CHINESE CASE DISMISSED.

The case against Chun Hong Cho, brought from the District Court at Koolauoko, was dismissed yesterday by Judge Humphreys. The defendant was accused of making threats.

ORATORY UNDER DIFFICULTIES.

Congressman Smith Addresses His Constituents While Glued to a Chair.

The meanest scalawag in Michigan lives over in Augusta township, Washtenaw county, and we'll proceed to prove it. Hank Smith was billed to speak at a school house near Whitcomb, when a Republican club was to be organized. The room was jammed full of men, women and children. A little platform had been erected and a single chair, without a seat of which some miscreant had covered with fresh glue. In this chair, to which he was conducted, "Hank" sat down, not knowing it was loaded. Meantime the burghers proceeded with their work, and an hour was consumed before the officers were elected and the job finished. The new President then stepped forward and introduced "the present and the next Congressman of this district, the Hon. Henry C. Smith of Adrian."

Mr. Smith got up and so did the chair. He tried to shake it off by a hip wriggle. This failed. He reached down and tried to pry it off with his fingers, but without success. He pulled stupidly at the rear to force it to let go, but it wouldn't do anything of the kind. He now smelt a rodent. The President, seeing his predicament, stepped up and gave the thing such a tug that Smith in alarm, but in an undertone, said:

"Hold on, Ferguson, you'll tear the cloth away, and you can see my coat is a short sack, and there are ladies present."

The audience now tumbled to the situation, and instantly burst into thundering guffaws. The room became a bedlam of laughter-convulsed lunatics. Women screamed and children whooped, while able-bodied men lay down on the benches and roared. The hilarity was catching, and soon Hank, genial-hearted and fun-loving as he was, sat down, dangled back and joined the deafening chorus. Finally, waving his hand, the crowd became sufficiently quiet to hear him say: "I came here to speak my piece, and I'll do it, though the whole school house were glued to me." Then he got up again, and, half bent over, with the chair dangling behind, waded in. At every motion he made the chair would bump up and down on the floor or swing against the wall, or strike the table holding the lamp. Of course, the crowd laughed when he joked and laughed when he didn't joke. At last the speaker said:

"Ladies and gentlemen, I must rest. My back is about broken," and sat down. At this an old fellow ran out, and, trotting across the way to his house, brought over a pair of overalls. "Hank" was seaded off the platform amid renewed yells of laughter and with a man holding the chair away from his calves, waddled out-doors, where he was "unhushed." He finished his speech in the overalls.—Grass Lake, Mich., News.

AND SHE WONDERED.

Miss Olive (of St. Louis): "Say, cousin, what's a periphrasis?"

Miss Browning (of Boston): "A periphrasis is simply a circumlocutory cycle of oratorical songosity, circumscripting an infinitesimal ideality interred in a verbal profundity."

Miss Olive: "Thanks; I thought it was something like that, but I wasn't quite sure."—Chicago News.

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"Found in the Philippines," by Captain Charles King.
"The Waters of Edera," by Ouida.
"Red Blood and Blue," by Harrison Robertson.
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